



**CUSTOMER NUMBER 25268**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ortyn et al. Attorney Docket No. BIOL0072  
Serial No.: 10/691,292 Group Art Unit: 2877  
Filed: October 21, 2003 Examiner:  
Title: MULTIPASS CAVITY FOR ILLUMINATION AND EXCITATION OF  
MOVING OBJECTS

INFORMATION DISCLOSURE STATEMENT

Bellevue, Washington 98004

January 30, 2004

TO THE COMMISSIONER FOR PATENTS:

Applicant is aware of the information listed in the attached form that may be material to the prosecution of the above-identified patent application.

- ☒ 1. Copies of the listed non-U.S. patent publications and other information **printed in bold type are enclosed for the Examiner's use. Three U.S. Patent Documents printed in bold type** were not previously cited in U.S. parent application.
- ☒ 2. Copies of other listed patents publications, and other information not referred to above (1), were previously cited by or submitted to the U.S. Patent and Trademark Office in prior application Serial Nos. 10/355,653, filed January 29, 2003 and 09/689,172, filed October 12, 2000, and relied upon for an earlier filing date under 35 U.S.C. § 120.
- \_\_\_\_ 3. A concise explanation of the relevance of document I.D. No. \_\_\_\_\_ (which is not in the English language), as presently understood by the individual designated under 37 C.F.R. § 1.56(c) most knowledgeable about its content, is provided \_\_\_\_\_.
- ☒ 4. Pursuant to 37 C.F.R. § 1.97(b), this information disclosure statement is being filed within three months of the filing date of the national application, within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, or before the mailing date of a first Office Action on the merits.
- \_\_\_\_ 5. Pursuant to 37 C.F.R. § 1.97(c), this information disclosure statement is being filed after the period set forth in 37 C.F.R. § 1.97(b) but before the mailing date of either a final action under 37 C.F.R. § 1.113, or a notice of allowance under 37 C.F.R. § 1.311, and is accompanied by:
- a. \_\_\_\_\_ a certification as specified in 37 C.F.R. § 1.97(e); or

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1 b. \_\_\_\_\_ the fee set forth in 37 C.F.R. § 1.17(p). Check No. \_\_\_\_\_ in the amount of  
2 \$\_\_\_\_\_ is enclosed.

3 6. Pursuant to 37 C.F.R. § 1.97(d), this information disclosure statement is being filed  
4 after the mailing date of either:

5 a. \_\_\_\_\_ a final action under 37 C.F.R. § 1.113; or

6 b. \_\_\_\_\_ a notice of allowance under 37 C.F.R. § 1.311,

7 but before payment of the issue fee. The statement is accompanied by a  
8 certification as specified in 37 C.F.R. § 1.97(e), a statement requesting  
9 consideration of the information disclosure statement, and the petition fee set  
10 forth in 37 C.F.R. § 1.17(p). Check No. \_\_\_\_\_ in the amount of  
\$\_\_\_\_\_ is enclosed.

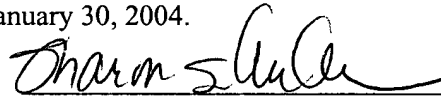
11 X 7. Please charge any additional fees or credit any overpayment to Deposit Account  
12 No. 01-1940. A copy of this sheet is enclosed.

13 Respectfully submitted,

14   
15 Michael C. King  
16 Registration No. 44,832  
17  
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19 I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed  
20 envelope as first class mail with postage thereon fully prepaid addressed to: Commissioner for Patents,  
21 P.O. Box 1450, Alexandria, Virginia 22313-1450, on January 30, 2004.

22 Date: January 30, 2004

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**INFORMATION CITED BY APPLICANT(S) THAT MAY BE MATERIAL TO THE  
PROSECUTION OF THE SUBJECT APPLICATION**

Applicants: Ortyn et al. Attorney Docket No. BIOL0072  
 Serial No.: 10/691,292 Group Art Unit: 2877  
 Filed: October 21, 2003 Examiner:  
 Title: MULTIPASS CAVITY FOR ILLUMINATION AND EXCITATION OF  
 MOVING OBJECTS

**U.S. PATENT DOCUMENTS**

| *Examiner<br>Initial | ID          | Document No.     | Date              | Name                | Class      | Sub-<br>Class |
|----------------------|-------------|------------------|-------------------|---------------------|------------|---------------|
|                      | US1         | Re. 35,868       | 08/11/1998        | Kosaka              | 250        | 574           |
|                      | US2         | 3,922,069        | 11/25/1975        | Kishikawa et al.    | 359        | 633           |
|                      | US3         | 4,770,992        | 09/13/1988        | Van den Engh et al. | 435        | 6             |
|                      | US4         | 4,786,165        | 11/22/1988        | Yamamoto et al.     | 356        | 23            |
|                      | US5         | 4,906,094        | 03/06/1990        | Ashida              | 356        | 336           |
|                      | US6         | 5,014,131        | 05/07/1991        | Reed et al.         | 358        | 212           |
|                      | US7         | 5,096,807        | 03/17/1992        | Leaback             | 435        | 6             |
|                      | US8         | 5,141,609        | 08/25/1992        | Sweedler et al.     | 356        | 344           |
|                      | US9         | 5,159,397        | 10/27/1992        | Kosaka et al.       | 356        | 73            |
|                      | US10        | 5,159,398        | 10/27/1992        | Maekawa et al.      | 356        | 73            |
|                      | US11        | 5,159,642        | 10/27/1992        | Kosaka              | 382        | 6             |
|                      | US12        | 5,247,339        | 09/21/1993        | Ogino               | 356        | 73            |
|                      | US13        | 5,272,354        | 12/21/1993        | Kosaka              | 250        | 574           |
|                      | US14        | 5,422,712        | 06/06/1995        | Ogino               | 356        | 73            |
|                      | US15        | 5,444,527        | 08/22/1995        | Kosaka              | 356        | 73            |
|                      | US16        | 5,471,294        | 11/28/1995        | Ogino               | 356        | 73            |
|                      | US17        | 5,548,395        | 08/20/1996        | Kosaka              | 356        | 73            |
|                      | US18        | 5,596,401        | 01/21/1997        | Kusuzawa            | 356        | 23            |
|                      | US19        | 5,633,503        | 05/27/1997        | Kosaka              | 250        | 458.1         |
|                      | US20        | 5,644,388        | 07/01/1997        | Maekawa et al.      | 356        | 73            |
|                      | US21        | 5,674,743        | 10/07/1997        | Ulmer               | 435        | 287.2         |
|                      | US22        | 5,695,934        | 12/09/1997        | Brenner             | 435        | 6             |
|                      | US23        | 5,754,291        | 05/19/1998        | Kain                | 356        | 344           |
|                      | US24        | 5,760,899        | 06/02/1998        | Eismann             | 356        | 326           |
|                      | US25        | 5,831,723        | 11/03/1998        | Kubota et al.       | 356        | 73            |
|                      | <b>US26</b> | <b>5,848,123</b> | <b>12/08/1998</b> | <b>Strommer</b>     | <b>378</b> | <b>98.8</b>   |
|                      | US27        | 5,855,753        | 01/04/1999        | Trau et al.         | 204        | 484           |
|                      | US28        | 5,929,986        | 07/27/1999        | Slater et al.       | 356        | 326           |
|                      | US29        | 5,959,953        | 09/28/1999        | Alon                | 369        | 44.41         |
|                      | <b>US30</b> | <b>6,007,994</b> | <b>12/28/1999</b> | <b>Ward et al.</b>  | <b>435</b> | <b>6</b>      |

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| <u>*Examiner</u><br><u>Initial</u> | <u>ID</u>   | <u>Document No.</u> | <u>Date</u>       | <u>Name</u>          | <u>Class</u> | <u>Sub-<br/>Class</u> |
|------------------------------------|-------------|---------------------|-------------------|----------------------|--------------|-----------------------|
| _____                              | US31        | 6,014,468           | 01/11/2000        | McCarthy et al.      | 382          | 254                   |
| _____                              | <b>US32</b> | <b>6,066,459</b>    | <b>05/23/2000</b> | <b>Garini et al.</b> | <b>435</b>   | <b>6</b>              |
| _____                              | US33        | 6,116,739           | 09/12/2000        | Ishihara et al.      | 353          | 31                    |
| _____                              | US34        | 6,156,465           | 12/05/2000        | Cao et al.           | 430          | 30                    |
| _____                              | US35        | 6,210,973           | 04/03/2001        | Pettit               | 436          | 172                   |
| _____                              | US36        | 6,211,955           | 04/03/2001        | Basiji et al.        | 356          | 326                   |
| _____                              | US37        | 6,249,341           | 06/19/2001        | Basiji et al.        | 356          | 73                    |
| _____                              | US38        | 6,256,096           | 07/03/2001        | Johnson              | 356          | 335                   |
| _____                              | US39        | 6,330,081           | 12/11/2001        | Scholten             | 358          | 463                   |
| _____                              | US40        | 6,381,363           | 04/30/2002        | Murching et al.      | 382          | 164                   |

### FOREIGN PATENT DOCUMENTS

| <u>*Examiner</u><br><u>Initial</u> | <u>ID</u> | <u>Document No.</u> | <u>Publication</u><br><u>Date</u> | <u>Country</u> | <u>Class</u> | <u>Sub-<br/>Class</u> | <u>Translation?</u> |
|------------------------------------|-----------|---------------------|-----------------------------------|----------------|--------------|-----------------------|---------------------|
| _____                              | F1        | WO 00/42412         | 20.07.2000                        | PCT            | GO1N 15/02   | 12                    | NO                  |

### OTHER INFORMATION

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|-------|----|--|
| _____ | O1 | Ong, Sim Heng. 1985. Development of a System for Imaging and Classifying Biological Cells in a Flow Cytometer. Doctor of Philosophy Thesis. University of Sydney, School of Electrical Engineering. (August)   |
| _____ | O2 | Ong, S.H. et al. 1987. "Development of an Image Flow Cytometer." <i>Analytical and Quantitative Cytology and Histology. XIVth International Conference on Medical and Biological Engineering and the VIIth International Conference on Medical Physics</i> , Finland. (August): 375-382. |
| _____ | O3 | Ong, S.H. and P.M. Nickolls. 1991. "Optical Design in a Flow System For Imaging Cells." <i>Sciences in Medicine</i> : 14:2:74-80.  |
| _____ | O4 | Ong, S.H. and P.M. Nickolls. 1994. "Analysis of MTF Degradation in the Imaging of Cells in a Flow System." <i>International Journal of Imaging Systems &amp; Technology</i> : 5:243-250.   |
| _____ | O5 | Kubota, Fumio et al. 1995. "Flow Cytometer and Imaging Device Used in Combination." <i>Cytometry</i> : 21:129-132.   |
| _____ | O6 | Wietzorrek, Joachim et al. 1999. "A New Multiparameter Flow Cytometer: Optical and Electrical Cell Analysis in Combination With Video Microscopy in Flow." <i>Cytometry</i> : 35:291-301.  |

\_\_\_\_\_  
Examiner's Signature

\_\_\_\_\_  
Date

\*Examiner: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

MCK/RMA:SSA  
1/30/2004